

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHRISTOPHER CAROVILLANO *and* STEVEN  
BRANDT, *on behalf of themselves and all others similarly  
situated,*

Plaintiffs,

-v-

SIRIUS XM RADIO INC.,

Defendant.

23 Civ. 4723 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On August 18, 2023, defendant filed a motion to dismiss the complaint under Rule 12 of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has 21 days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that plaintiffs shall file any amended complaint by September 8, 2023. No further opportunities to amend will ordinarily be granted. If plaintiffs do amend, by September 29, 2023, defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying plaintiffs, stating that it relies on the previously filed motion to dismiss.<sup>1</sup>

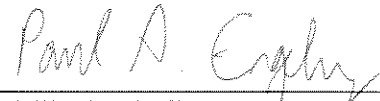
It is further ORDERED that if no amended complaint is filed, plaintiffs shall serve any opposition to the motion to dismiss by September 8, 2023. Defendant's reply, if any, shall be served by September 22, 2023. At the time any reply is served, the moving party shall supply

---

<sup>1</sup> If defendant files a new motion to dismiss or relies on its previous motion, plaintiffs' opposition will be due 14 days thereafter, and defendant's reply, if any, will be due seven days after that.

the Court with two (2) courtesy copies of all motion papers by mailing or delivering them to the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, New York 10007.

SO ORDERED.

A handwritten signature in cursive script, reading "Paul A. Engelmayer", written in black ink.

---

PAUL A. ENGELMAYER  
United States District Judge

Dated: August 21, 2023  
New York, New York